

Requirements for Food and Beverage Fundraisers in Private Schools and Residential Child Care Institutions

This document summarizes the federal and state requirements for foods and beverages sold and given to students from fundraisers in Connecticut private schools and residential child care institutions (RCCIs) that participate in the U.S. Department of Agriculture's (USDA) National School Lunch Program (NSLP) and School Breakfast Program (SBP). For guidance on how the state and federal requirements apply to different sources of foods and beverages in private schools and RCCIs, refer to the Connecticut State Department of Education's (CSDE) resources, *Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions* and *Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions*. The CSDE's *Guide to Competitive Foods in Private Schools and Residential Child Care Institutions* provides detailed guidance on the requirements for competitive foods in non-HFC public schools.



Fundraisers are any activities during which money or its equivalent (such as tickets, coupons, tokens, and similar items) is exchanged for the purchase of a product in support of the school or school-related activities. This includes any activities that suggest a student donation in exchange for foods and beverages, since funds may be raised as a result. Examples of food and beverage fundraisers include sales of commercial products, such as potato chips and other snack foods, candy bars, cookies, muffins, frozen cookie dough, pies, water, and soft drinks; and sales of foods and beverages made from scratch, such as baked goods, popcorn, sandwiches, smoothies, coffee, and hot chocolate.

The CSDE strongly encourages private schools and RCCIs to promote consistent health messages to students by selling healthy foods or conducting nonfood fundraisers. The CSDE's resource, *Healthy Fundraising*, provides suggestions for fundraising with nonfood items and activities.



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Overview of Federal and State Requirements

All foods and beverages available for sale to students from fundraisers on school premises in private schools and RCCIs must comply with the USDA's Smart Snacks nutrition standards ([81 FR 50131](#)). Fundraisers on school premises must also comply with the following federal and state requirements:

- Connecticut's state competitive foods regulations ([Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies](#)); and
- the local educational agency's (LEA) school wellness policy, as required by the USDA's school wellness policy legislation ([Section 4 of Public Law 108-265](#) and the [Healthy, Hunger-Free Kids Act of 2010](#)).

These federal and state requirements determine what and when foods and beverages may be sold or given to students from fundraisers in private schools and RCCIs. They also address the accrual of income from sales of foods and beverages.

- “Sales” means the exchange of a determined amount of money (including the purchase of coupons, tickets, tokens, and similar items) for foods and beverages. Sales also include programs and activities that charge a fee that includes the cost of foods and beverages provided to students; and activities that suggest a student donation in exchange for foods and beverages. Under Connecticut's regulations for competitive foods, sales include tickets and similar items that are given to students (such as food rewards), and can be exchanged for certain foods and beverages. However, Smart Snacks does not apply to foods and beverages that can be obtained with tickets and similar items that are given to students.
- “Giving” means that foods and beverages are provided free of any charge, contribution, or suggested donations; and without the exchange of tickets, coupons, tokens, and similar items to obtain foods and beverages.
- “School premises” include all areas of the property under the jurisdiction of the school governing authority.

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When the Requirements Apply

When the federal and state requirements differ, the stricter requirements apply. Some of the federal requirements are stricter than the state requirements, and some of the state requirements are stricter than the federal requirements. Some requirements apply during the school day, while others apply at all times or while Child Nutrition Programs (CNP) are operating.

- The “school day” is the period from the midnight before to 30 minutes after the end of the official school day. For example, if school ends at 3:00 p.m., the school day is from midnight to 3:30 p.m. A summer school program operated by the school governing authority is part of the regular school day.
- The CNPs include the [NSLP](#), [School Breakfast Program \(SBP\)](#), [Afterschool Snack Program \(ASP\)](#) of the NSLP, [Seamless Summer Option \(SSO\)](#) of the NSLP, [Special Milk Program \(SMP\)](#), [Fresh Fruit and Vegetable Program \(FFVP\)](#), [Child and Adult Care Food Program \(CACFP\)](#) [At-risk Afterschool Meals](#) operated in schools, and [Summer Food Service Program \(SFSP\)](#) operated in schools. **Note:** RCCIs may be eligible to participate in the ASP if they operate an afterschool care program with enrichment or education activities that meet the criteria for ASP participation. RCCIs may be eligible to serve At-risk Afterschool Meals if they have non-residential care programs and these programs offer afterschool education and enrichment programs for nonresidential children.

Table 1 summarizes when the federal and state requirements apply to fundraisers in private schools and RCCIs, which foods and beverages they regulate, and whether they apply to selling or giving foods and beverages to students.



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**Table 1. Summary of requirements for competitive foods
in private schools and RCCIs**

Requirement	Applies to	When applies	Restricts	
			Selling	Giving
Smart Snacks (81 FR 50131)	All foods and beverages available for sale to students from fundraisers on school premises, excluding foods and beverages that are intended for consumption at home (refer to “ Allowable Foods ,” “ Fundraiser catalogs and orders ,” and “ Timing of distribution and consumption ” in this document). ¹	During the school day.	Yes	No
Section 10-215b-1 of the state competitive foods regulations	Selling and giving candy, coffee, tea, and soft drinks to students from fundraisers on school premises while any CNPs are operating, regardless of when students will receive or consume the foods (refer to “ Section 10-215b-1 ” in this document). ²	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	Yes
Section 10-215b-23 of the state competitive foods regulations	Accrual of income from all sales of foods and beverages to students from fundraisers on school premises while any CNPs are operating, regardless of when students will receive or consume the foods (refer to “ Section 10-215b-23 ” in this document). ²	From 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.	Yes	No

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**Table 1. Summary of requirements for competitive foods
in private schools and RCCIs, *continued***

Requirement	Applies to	When applies	Restricts	
			Selling	Giving
School Wellness Policy (Section 4 of Public Law 108-265 and the Healthy, Hunger-Free Kids Act (HHFKA) of 2010)	Selling and giving foods and beverages to students from fundraisers on school premises (refer to “ USDA School Wellness Policy Requirements ” in this document). ³	During the school day.	Yes	Yes

- ¹ Smart Snacks does not apply to foods and beverages intended for consumption at home. Examples include products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans. However, the state competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages, regardless of when students will consume them (refer to “[Timing of distribution and consumption](#)” in this document).
- ² The state competitive foods regulations apply to all foods and beverages, regardless of when students will consume them. This includes products in a precooked state (such as frozen pies and cookie dough) or in bulk quantities (multiple servings per package), such as boxes of candy bars or cookies, and bags of popcorn kernels or gourmet coffee beans.
- ³ The LEA’s school wellness policy must include locally determined standards and nutrition guidelines for all foods and beverages and beverages available for sale to students, and provided to students free of any charge, on school premises during the school day (refer to “[USDA School Wellness Policy](#)” in this document).



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Allowable Foods and Beverages

All commercial food products and foods made from scratch available for sale to students from fundraisers on school premises during the school day must comply with Smart Snacks. Smart Snacks does not apply to foods and beverages that are intended for consumption at home, such as frozen pies and cookie dough. For information on the specific Smart Snacks requirements, refer to the CSDE's resource, [Summary of Smart Snacks Nutrition Standards](#), and visit the CSDE's [Smart Snacks Nutrition Standards](#) webpage.

Smart Snacks applies to the amount of the food **as served**, including any added accompaniments such as butter, margarine, cream cheese, jelly, mayonnaise, ketchup, mustard, relish, salad dressing, sauce, and gravy. When a food includes an accompaniment (such as a bagel with cream cheese or pancakes with butter and syrup), the nutrition information for the **food and accompaniments** must be added together to refer to the serving for Smart Snacks compliance.

This requirement also applies to the two additional categories of “flavored and/or carbonated beverages” allowed only for **high school students**. Beverages in these categories must meet specific calorie limits for the amount **as served**. When a beverage includes an accompaniment (such as coffee with milk and sugar, or tea with milk and honey), the nutrition information for the **beverage and accompaniments** must be added together to refer to the serving for compliance with the Smart Snacks calorie limits. For example, if a serving of coffee includes 2 tablespoons of milk and 2 teaspoons of sugar, the fundraiser operator must calculate the calories per serving for the coffee, milk, and sugar; then compare the total calories with the applicable Smart Snacks category for “flavored and/or carbonated beverages.”

Commercial products

The serving of a commercial product (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. The CSDE's [List of Acceptable Foods and Beverages](#) webpage identifies commercial food and beverage products that comply with Smart Snacks. Schools may also use the Alliance for a Healthier Generation's [Smart Snacks Product Calculator](#) to assess food products for compliance with Smart Snacks.

Foods made from scratch

The serving of a recipe (including any added accompaniments) must meet each nutrition standard for the applicable Smart Snacks food category. Recipes with nutrition information are required for the following: 1) foods prepared from scratch; and 2) foods with other ingredients added after purchasing, e.g., popping popcorn kernels in oil;



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assembling a sandwich; making muffins from a mix and adding butter and eggs; and adding sprinkles to commercial frozen sugar cookie dough.

Fundraiser operators must document each recipe's Smart Snacks compliance **before** selling these foods to students. Documentation requires two steps: 1) obtaining or developing a standardized recipe that indicates the required nutrition information per serving (calories, fat, saturated fat, trans fat, sodium, and sugars); and 2) comparing the recipe's nutrition information per serving (including any added accompaniments) with the required nutrition standards for the applicable Smart Snacks food category. Private schools and RCCIs must maintain this information on file for the CSDE's Administrative Review of the school nutrition programs. For more information on evaluating recipes for Smart Snacks compliance, review section 1 of the CSDE's *Guide to Competitive Foods in Private Schools and Residential Child Care Institutions*.

Allowable Sales of Noncompliant Foods and Beverages

Fundraisers may sell noncompliant foods and beverages to adults at any time (either on or off school premises) and to students off school premises. Fundraisers on school premises may sell noncompliant foods and beverages to students **after** the school day. For example, if school ends at 3:00 p.m., fundraisers on school premises may sell noncompliant foods and beverages to students anytime from 3:31 p.m. through 11:59 p.m. However, if the sales occur while any CNPs are operating, Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies require additional restrictions (refer to "[State Competitive Foods Regulations](#)" in this document).

State Competitive Foods Regulations

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies restrict candy, coffee, tea, and soft drinks while CNPs are operating; and regulate the accrual of income from all foods and beverages sold to students anywhere on school premises while CNPs are operating. In addition to selling and giving foods and beverages to students, these restrictions apply to:

- fundraisers on school premises where students can exchange tickets, coupons, tokens and similar items for foods and beverages (including tickets and similar items that are sold or given to students);
- student orders for foods and beverages from fundraisers on school premises;
- distribution of fundraiser foods and beverages to students on school premises; and
- fundraisers on school premises that offer foods and beverages to students in exchange for a suggested donation.

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Sections 10-215b-1 and 10-215b-23 apply regardless of when students receive or consume the foods and beverages.

Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks

Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day.

- “Candy” includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints.
- “Coffee” and “tea” include all types, e.g., regular, decaffeinated, herbal and iced.
- “Soft drinks” include all beverages (with or without carbonation) that contain water and/or juice and added sweeteners (including nutritive sweeteners and artificial or natural nonnutritive sweeteners), and may also contain other ingredients such as edible acids, natural or artificial flavors and colors, and added nutrients. Examples of soft drinks include soda (regular and diet), sports drinks (regular, low-calorie, and zero calorie), sweetened beverages (with or without carbonation) that are not 100 percent juice (such as lemonade and fruit punch drinks), and flavored water with added sweeteners.

Depending on when CNPs operate, Smart Snacks may supersede Section 10-215b-1 or Section 10-215b-1 may supersede Smart Snacks. These requirements are summarized below.

- **Selling candy to all grades:** Smart Snacks prohibits selling candy to students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., fundraisers cannot sell candy to students anywhere on school premises from 3:00 p.m. to 5:00 p.m.
- **Selling coffee, tea, and soft drinks in elementary and middle schools:** Smart Snacks prohibits sales of coffee, tea, and soft drinks to elementary and middle school students on school premises during the school day. In addition, Section 10-215b-1 prohibits selling coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the ASP operates from 3:30 p.m. to 4:30 p.m., fundraisers cannot

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sell coffee, tea, and soft drinks to elementary and middle school students anywhere on school premises from 3:00 p.m. to 5:00 p.m.

- **Selling coffee, tea, and soft drinks in high schools:** Smart Snacks allows sales of coffee, tea, and soft drinks to high school students during the school day, if these beverages comply with the calorie limits for the Smart Snacks beverage category of “other flavored and/or carbonated beverages” and the portion size does not exceed 12 fluid ounces. However, Section 10-215b-1 prohibits selling coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:00 a.m. to 7:30 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot sell coffee, tea, and soft drinks to high school students anywhere on school premises from 6:30 a.m. to 8:00 a.m. or 11:00 a.m. to 1:30 p.m.

Note: The fundraiser operator must evaluate beverages for compliance with the Smart Snacks beverage category of “flavored and/or carbonated beverages” based on the amount **as served**, including any added accompaniments such as milk, cream, sugar, and honey. Examples include coffee with milk and sugar, and tea with milk and honey. For information on the category of “flavored and/or carbonated beverages” for high schools, refer to the CSDE’s resource, [Summary of Smart Snacks Nutrition Standards](#).

- **Giving candy, coffee, tea, and soft drinks to all grades:** Smart Snacks does not apply when foods and beverages are given to students. However, Section 10-215b-1 prohibits giving candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. For example, if the SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m., fundraisers cannot give candy, coffee, tea, and soft drinks to students anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. Examples include giving students coupons, tickets, tokens, or similar items that can be exchanged for candy, coffee, tea, and soft drinks; distributing fundraiser orders of candy, coffee, tea, and soft drinks to students; and giving candy, coffee, tea, and soft drinks to students in exchange for a suggested donation at a fundraiser

The CSDE strongly encourages schools to promote consistent health messages to students by eliminating candy, coffee, tea, and soft drinks on school premises. For more information, refer to the CSDE’s resources, [Healthy Fundraising](#), [Healthy Celebrations](#), and [Alternatives to Food Rewards](#).

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Section 10-215b-23: Accrual of income

Section 10-215b-23 of the state competitive foods regulations requires that the gross income from all foods and beverages sold to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs must accrue to the nonprofit food service account. The nonprofit food service account is the restricted revenue account used only for the operation or improvement of the nonprofit school food service.

All fundraiser sales of foods and beverages to students on school premises during this time must comply with this regulation, including:

- sales of foods and beverages that comply with Smart Snacks;
- sales of tickets, coupons, tokens and similar items that students can exchange for foods and beverages;
- program and activity fees charged to cover the cost of foods and beverages provided to students;
- student orders for foods and beverages; and
- student donations in exchange for foods and beverages.

For example, if the SBP operates from 7:00 a.m. to 8:00 a.m., the FFVP operates from 9:30 a.m. to 10:00 a.m., the NSLP operates from 11:30 a.m. to 1:00 p.m., and the ASP operates from 3:30 p.m. to 4:30 p.m., the nonprofit food service account must receive the fundraiser's income from all foods and beverages sold to students anywhere on school premises from 6:30 a.m. to 8:30 a.m., 9:00 to 10:30 a.m., 11:00 a.m. to 1:30 p.m., and 3:00 p.m. to 5:00 p.m.

For more information, refer to the CSDE's resources, [Overview of Connecticut's Competitive Foods Regulations](#) and [Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools](#).



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USDA School Wellness Policy Requirements

The LEA's school wellness policy may have additional local requirements for selling and giving foods and beverages to students. The Child Nutrition and WIC Reauthorization Act of 2004 ([Section 4 of Public Law 108-265](#)) required all schools and institutions participating in the NSLP and SBP to develop a school wellness policy by the first day of school year 2006-07. The [Healthy, Hunger-Free Kids Act of 2010](#) strengthened the SWP law by adding requirements for public participation, transparency, and implementation.

Among other requirements, the LEA's school wellness policy must include nutrition guidelines for all foods and beverages that are sold or given to students on school premises during the school day. At a minimum, the LEA's school wellness policy for foods and beverages must meet all applicable federal and state nutrition standards and requirements. For more information on school wellness policies, visit the CSDE's [School Wellness Policies](#) webpage.

Complying with Federal and State Requirements

This section provides guidance on how the federal and state requirements for competitive foods apply to different types of fundraisers in private schools and RCCIs. These requirements include the USDA's Smart Snacks nutrition standards and Connecticut's competitive foods regulations (Sections 10-215b-1 and 10-215b-23 of Regulations of Connecticut State Agencies).

Sales to adults

Smart Snacks does not apply to foods and beverages sold to adults on school premises, such as school staff, parents, and other adults. Fundraisers may sell any foods and beverages to adults at any time, either on or off school premises. However, the state competitive foods regulations apply when students sell foods and beverages to adults off school premises, deliver the fundraiser orders and money to school, and pick up the foods and beverages at school for delivery to customers. An example is a fundraiser catalog that sells candy bars and bags of gourmet coffee. Under the state competitive foods regulations, foods and beverages are being sold to students whenever students exchange money or its equivalent for foods and beverages on school premises. For more information, refer to "[Fundraiser catalogs and orders](#)" in this document.

Bake sales

Bake sales on school premises cannot sell noncompliant foods and beverages to students during the school day. This includes bake sales where students can exchange purchased tickets for foods and beverages.

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Bake sales may sell foods that comply with Smart Snacks during the school day. However, if the bake sale occurs while any CNPs are operating, Section 10-215b-23 of the state competitive foods regulations requires that the income must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document). For example, if the NSLP operates from 11:30 a.m. to 1:00 p.m., the nonprofit food service account must receive the bake sale’s income from all foods and beverages sold to students from 11:00 a.m. to 1:30 p.m.



Smart Snacks and Connecticut’s statutes and regulations for competitive foods do not apply to bake sales that sell foods and beverages only to adults (such as teachers, staff, and parents) or to bake sales held off school premises. For more information, refer to “[Sales to adults](#)” and “[Fundraisers off school premises](#)” in this document.

Candy

Candy includes all types of regular and sugar-free varieties, such as chocolates, chocolate-covered nuts and fruits, hard candies, jelly candies (e.g., gumdrops and gummies), and breath mints. Smart Snacks prohibits sales of candy to students during the school day. In addition, Section 10-215b-1 of the state competitive foods regulations prohibits selling and giving candy to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day (refer to “[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)” in this document).

The CSDE strongly encourages private schools and RCCIs to promote consistent health messages to students by eliminating candy on school premises. The LEA’s school wellness policy may have other local requirements for selling and giving candy to students on school premises (refer to “[USDA School Wellness Policy Requirements](#)” in this document).

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Compliant foods and beverages

Compliant foods and beverages comply with the Smart Snacks nutrition standards (refer to [“Allowable Foods and Beverages”](#) in this document). Fundraisers on school premises may sell compliant foods and beverages to students at any time, if the sales also comply with Section 10-215b-23 of the state competitive foods regulations (refer to [“Section 10-215b-23: Accrual of income”](#) in this document).

Fundraiser catalogs and orders

Smart Snacks does not apply to foods and beverages sold off school premises through fundraising catalogs, fliers, and similar promotions; or to foods intended for consumption at home, such as frozen cookie dough and boxes of Girl Scout cookies. Foods purchased through a fundraiser may be delivered on school premises during the school day if the foods being sold 1) meet the Smart Snacks nutrition standards; or 2) are not intended to be consumed on school premises during the school day (refer to [“Timing of distribution and consumption”](#) in this document). However, the USDA encourages organizations to deliver the food items at a time when parents and caregivers are more likely to be present to collect them, for example, during specific drop-off or pick-up times.

If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions (refer to [“State Competitive Foods Regulations”](#) in this document). Section 10-215b-1 prohibits candy, coffee, tea, and soft drinks from being sold to, ordered by, or distributed to students on school premises during this time. Section 10-215b-23 requires that the fundraiser’s income from all food and beverage orders sold to students during this time must accrue to the nonprofit food service account.

- **Example:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. Students cannot order candy, coffee, tea, and soft drinks anywhere on school premises from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. The fundraiser cannot distribute preordered candy, coffee, tea, and soft drinks to students during these times. The nonprofit food service account must receive the fundraiser’s income from all foods and beverages ordered by (sold to) students during these times.

Fundraisers off school premises

Smart Snacks and the state competitive foods regulations do not apply to fundraising activities that take place off school premises, such as bake sales at a supermarket or candy bar sales at a town community center. However, the state competitive foods regulations apply when students sell foods and beverages off school premises, deliver fundraiser orders and money to school, and pick up the foods and beverages at school (refer to [“Fundraiser catalogs and orders”](#) in this document). Under

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Connecticut's competitive foods regulations, foods and beverages are being sold to students when students exchange money or its equivalent for foods and beverages on school premises, regardless of when students will receive or consume the foods and beverages.

Gift cards and entertainment books

Smart Snacks applies when students purchase gift cards and similar items that can be exchanged for foods and beverages on school premises during the school day. Smart Snacks does not apply to gift cards, entertainment books, and similar items that students can exchange for foods and beverages off school premises or after the school day. Examples include gift cards and entertainment books with coupons that are redeemable off school premises at businesses selling foods and beverages, e.g., restaurants, convenience stores, fast food chains, and local dining establishments.

Connecticut's competitive foods regulations supersede Smart Snacks because they apply to gift cards and similar items sold to or ordered by students on school premises, regardless of where or when students can obtain the foods and beverages. This includes gift cards and similar items that can be exchanged for foods and beverages off school premises, such as gift cards for restaurants, convenience stores, fast food chains, and local dining establishments; but excludes supermarket gift cards.

Section 10-215b-1 prohibits selling (ordering) and distributing gift cards and similar items for candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-23 requires that the fundraiser's income from all food and beverage gift cards sold to students during this time must accrue to the nonprofit food service account.

Gum

Smart Snacks prohibits sales of regular chewing gum to students on school premises during the school day. Sugar-free chewing gum is exempt from Smart Snacks and may be sold to students on school premises, if the sales also comply with Section 10-215b-23 of the state competitive foods regulations. Section 10-215b-23 requires that the nonprofit food service account must receive the income from all sales regular and sugar-free gum to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day (refer to "[Section 10-215b-23: Accrual of income](#)" in this document). Section 10-215b-1 does not apply to gum because this regulation restricts only candy, coffee, tea, and soft drinks.



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Noncompliant foods and beverages

Fundraisers on school premises cannot sell noncompliant foods and beverages to students during the school day. If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions, regardless of when students will receive the orders or consume the foods and beverages (refer to “[State Competitive Foods Regulations](#)” in this document). Section 10-215b-1 prohibits selling candy, coffee, tea, and soft drinks to students during this time. Section 10-215b-23 requires that the fundraiser’s income from all foods and beverages sold to students during this time must accrue to the nonprofit food service account. These requirements also apply to student orders for noncompliant foods and beverages, and distribution of preordered noncompliant foods and beverages to students during this time (refer to “[Timing of distribution and consumption](#)” in this document).

Nonfood fundraisers

The Smart Snacks nutrition standards and state requirements for competitive foods do not apply to fundraisers that sell nonfood items. Any requirements for sales of nonfood items to students are locally determined by the LEA. The CSDE strongly encourages schools to promote consistent health messages to students by conducting nonfood fundraisers. The CSDE’s resource, [Healthy Fundraising](#), provides suggestions for fundraising with nonfood items and activities.

Suggested donations for foods and beverages

Suggesting a student donation in exchange for foods and beverages is the same as selling foods and beverages to students. An example is a fundraiser that offers students a “free” cookie for donating to a charity, school organization, or similar entity.

Fundraisers on school premises cannot give noncompliant foods and beverages to students in exchange for a suggested donation during the school day. If the fundraiser occurs from 30 minutes before up through 30 minutes after the operation of any CNPs, the state competitive foods regulations require additional restrictions (refer to “[State Competitive Foods Regulations](#)” in this document). Section 10-215b-1 prohibits fundraisers on school premises from giving candy, coffee, tea, and soft drinks to students in exchange for a suggested donation during this time. Section 10-215b-23 requires that the fundraiser’s income from all student donations in exchange for foods and beverages during this time must accrue to the nonprofit food service account.

- **Example:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day offers students a cookie for donating money to a charity. The nonprofit food service account must receive the

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fundraiser's income from all student donations offered in exchange for cookies from 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. **Note:** The cookie must comply with Smart Snacks because the sale (i.e., suggested donation) occurs during the school day.

Tickets, coupons, and tokens

Smart Snacks applies when students **purchase** tickets, coupons, tokens and similar items that can be exchanged for foods and beverages on school premises during the school day. For example, if a student club sells tickets that students can exchange for ice cream on school premises during the school day, the ice cream must comply with Smart Snacks. Smart Snacks does not apply to tickets and similar items that are **given** to students free of any charge or contribution, such as food rewards.



If the fundraiser occur while any CNPs are operating, Connecticut's competitive foods regulations supersede Smart Snacks because they apply to all foods and beverages that students can obtain by exchanging tickets, coupons, tokens, and similar items. These requirements apply regardless of whether the tickets and similar items are purchased by students or given to students at no charge (such as coupons for food rewards); and regardless of when students will receive or consume the foods and beverages (refer to "[Timing of distribution and consumption](#)" in this document). The examples below show how the state requirements apply to tickets and similar items.

- **Example 1:** The ASP operates from 3:30 p.m. to 4:30 p.m. On Monday during the same time, a fundraiser on school premises sells tickets that students can exchange for foods and beverages on school premises during the next school day. Section 10-215b-23 of the state competitive foods regulations requires that the fundraiser's income from all ticket sales to students during 3:00 p.m. to 5:00 p.m. must accrue to the nonprofit food service account (refer to "[Section 10-215b-23: Accrual of income](#)" in this document). Section 10-215b-1 of the state competitive foods regulations prohibits sales of tickets during this same time that can be exchanged for candy, coffee, tea, and soft drinks.
- **Example 2:** Students purchase coupons on school premises that can be exchanged for foods and beverages in the school store during the school day. The foods and beverages must comply with Smart Snacks (refer to "[Allowable Foods](#)" in this document). If the coupon sales occur from 30 minutes before up through 30 minutes after the operation of any CNPs, Section 10-215b-23 of the state competitive foods regulations requires that the

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income must accrue to the nonprofit food service account (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).

- **Example 3:** During the school day, a teacher rewards high school students with a coupon that can be exchange for soft drinks on school premises after the school day. The ASP operates from 3:30 p.m. to 4:30 p.m. Section 10-215b-1 of the state competitive foods regulations prohibits students from exchanging the coupon for soft drinks during 3:00 p.m. to 5:00 p.m.

Using food as a reward has many negative consequences that go far beyond the short-term benefits of good behavior or performance. The CSDE strongly encourages schools to promote consistent health messages to students by eliminating food rewards. For more information, refer to the CSDE’s resource, [Alternatives to Food Rewards](#).

Timing of distribution and consumption

Fundraisers sometimes sell foods and beverages at a different time from when they will be distributed or consumed. For example, students order and pay for the foods and beverages, then receive the products several weeks later. The federal and state requirements have different restrictions for these types of fundraisers.

Foods and beverages intended for consumption at home

Smart Snacks applies to all student orders for foods and beverages that are distributed to, and intended to be consumed by, students on school premises **during the school day**. For example, a fundraiser cannot sell tickets to students on Monday during the school day for a candy bar that will be distributed to students on Friday during the school day because candy bars do not comply with Smart Snacks.

Smart Snacks does not apply to foods and beverages intended for consumption at home. Examples include products distributed on school premises in a precooked state (such as frozen cookie dough, frozen pies, and frozen pizza), and products that are distributed on school premises in bulk quantities, i.e., multiple servings per package (such as boxes or bags of candy bars, Girl



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Scout cookies, popcorn, tea bags, hot chocolate packets, and bags of gourmet coffee).

Fundraiser orders and distribution during CNPs

If the fundraiser orders and distribution occur while any CNPs are operating, the state competitive foods regulations require additional restrictions (refer to “[State Competitive Foods Regulations](#)” in this document). Section 10-215b-1 prohibits fundraiser orders and distribution of candy, coffee, tea, and soft drinks to students anywhere on school premises from 30 minutes before up through 30 minutes after the operation of any CNPs, including during and after the school day. Section 10-215b-23 requires that the fundraiser’s income from all foods and beverages sold to students during this time must accrue to the nonprofit food service account. This includes the income from: orders for foods and beverages (refer to “[Fundraiser catalogs and orders](#)” in this document); sales of tickets that students can exchange for foods and beverages (refer to “[Tickets, coupons, and tokens](#)” in this document); and student donations in exchange for foods and beverages (refer to “[Suggested donations for foods and beverages](#)” in this document).

Connecticut’s regulations for competitive foods supersede Smart Snack because they apply regardless of when students will consume the foods and beverages. The examples below show how these state requirements apply to fundraisers.

- **Example 1:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises sells boxes of candy bars to students during the school day. Section 10-215b-1 of the state competitive foods regulations prohibits students from ordering the candy, and the fundraiser from distributing the candy to students, during 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to “[Section 10-215b-1: Restrictions for candy, coffee, tea, and soft drinks](#)” in this document).
- **Example 2:** The SBP operates from 7:00 a.m. to 8:00 a.m. and the NSLP operates from 11:30 a.m. to 1:00 p.m. A fundraiser on school premises during the school day takes orders from students for frozen cookie dough. Section 10-215b-23 of the state competitive foods regulations requires that nonprofit food service account must receive the fundraiser’s income from all student orders during 6:30 a.m. to 8:30 a.m. and 11:00 a.m. to 1:30 p.m. (refer to “[Section 10-215b-23: Accrual of income](#)” in this document).

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Resources

A Guide to Smart Snacks in School (USDA):

https://fns-prod.azureedge.net/sites/default/files/tn/508_USDASmartSnacks_508_82218.pdf

Beverage Requirements (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/Beverage-Requirements>

Competitive Foods in Schools (CSDE webpage)

<https://portal.ct.gov/SDE/Nutrition/Competitive-Foods>

CSDE Operational Memorandum No. 1-18: Accrual of Income from Sales of Competitive Foods in Schools:

<https://portal.ct.gov/-/media/SDE/Nutrition/NSLP/Memos/OM2018/OM01-18.pdf>

Final Rule: National School Lunch Program and School Breakfast Program: Nutrition Standards for All Foods Sold in School as Required by the HHFKA of 2010 (81 FR 50131).

<https://www.fns.usda.gov/school-meals/fr-072916d>

Fundraisers and Smart Snacks: Foods Not Intended for Consumption at School (USDA):

<https://fns-prod.azureedge.net/sites/default/files/cn/fundraisersfactsheet.pdf>

Guidance on Evaluating Recipes for Compliance with the Connecticut Nutrition Standards (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/HFC/
Evaluating_Recipes_CNS_Compliance.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Evaluating_Recipes_CNS_Compliance.pdf)

Guide to Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-
/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_Private_RCCI.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Competitive_Foods_Guide_Private_RCCI.pdf)

List of Acceptable Foods and Beverages (CSDE webpage):

<https://portal.ct.gov/SDE/Nutrition/List-of-Acceptable-Foods-and-Beverages>

Overview of Connecticut's Competitive Foods Regulations (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
Overview_CT_Competitive_Foods_Regulations.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_CT_Competitive_Foods_Regulations.pdf)

Overview of Federal and State Laws for Competitive Foods in Connecticut Public Schools, Private Schools, and Residential Child Care Institutions (CSDE):

[https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/
Overview_Federal_State_Laws_Competitive_Foods.pdf](https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Overview_Federal_State_Laws_Competitive_Foods.pdf)

Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

<https://portal.ct.gov/-/media/SDE/Nutrition/HFC/RequirementsPrivateRCCI.pdf>

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Requirements for Foods and Beverages in Vending Machines in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Vending_Machine_Requirements_Private_RCCI.pdf

Resources for Meeting the Federal and State Requirements for Competitive Foods in Schools (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Resources_Federal_State_Requirements_Competitive_Foods.pdf

Sections 10-215b-1 and 10-215b-23 of the Regulations of Connecticut State Agencies:

https://eregulations.ct.gov/eRegsPortal/Browse/RCSA/Title_10Subtitle_10-215b/

Smart Foods Planner (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

Smart Snacks Product Calculator (Alliance for a Healthier Generation):

<https://foodplanner.healthiergeneration.org/>

Summary Chart: Federal and State Requirements for Competitive Foods in Private Schools and Residential Child Care Institutions (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Chart_Requirements_Competitive_Foods_Private_RCCI.pdf

Summary of Smart Snacks Nutrition Standards (CSDE):

https://portal.ct.gov/-/media/SDE/Nutrition/CompFoods/Summary_Smart_Snacks_Nutrition_Standards.pdf

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For more information, visit the CSDE's [Competitive Foods in Schools](#) and [Smart Snacks Nutrition Standards](#) webpages or contact the [school nutrition programs staff](#) at the Connecticut State Department of Education, Bureau of Health/Nutrition, Family Services and Adult Education, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841.

This document is available at https://portal.ct.gov/-/media/SDE/Nutrition/HFC/Fundraiser_Requirements_PrivateRCCI.pdf.

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- (1) mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410;
- (2) fax: (202) 690-7442; or
- (3) email: program.intake@usda.gov.

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